

REMARKS

Drawings

The drawings have been object to under 37 CFR 1.83(a) for failing to show engaging surfaces “that are flattened from the insertion end to the tool engagement end to define said spacer height”. (See page 2 of the Office Action). As discussed below, this language has been slightly amended to read “and a sidewall including upper and lower flattened portions that define a reduced height of said sidewall and said opposite ends of said spacer body”.

In order to address the objection to the drawings, the Applicant submits herewith a replacement drawing sheet that includes a new Figure 4a which clearly illustrates the recited features. The specification has also been amended to make references to Figure 4a, to add numerals “507, 508” to reference the upper and lower flattened portions, and to change numeral “505” to “506” to properly reference the sidewall. The Applicant further submits that the addition of Figure 4a does not constitute the addition of new subject matter as the features illustrated therein are clearly described, for example, at page 14, lines 13-19 of the as-filed application where it is stated that “the wall 506 may include upper and lower flattened portions to stabilize the dowel by neutralizing any rotational torque that may be induced by pressure on the sidewall. This could be achieved by reducing the height H of the sidewall 505 and ends 501, 502 . . .”. In view of the forgoing, the Applicant respectfully requests withdrawal of the objection to the drawings.

Claim Rejections – 35 USC § 112

Claims 367-404 and 406-425 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action asserts that there is no support in the specification for the recitation of “engaging surfaces that are flattened from the insertion end to the tool engagement end to define said spacer height”. (See page 3 of the Office Action).

The Applicant has amended independent claims 367, 370, 372, 373, 383, 385, 407, 414 and 424 to change the recitation of engaging surfaces “that are flattened from the insertion end to the tool engagement end to define said spacer height” to read “and a sidewall including upper and lower flattened portions that define a reduced height of said sidewall and

said opposite ends of said spacer body”. Support for this language is found, for example, at page 14, lines 13-19 of the as-filed application. In view of the foregoing amendments to the pending independent claims, the Applicant respectfully requests withdrawal of the claim rejections under 35 U.S.C. §112, first paragraph.

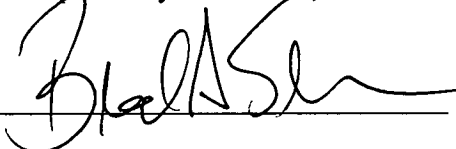
The Applicant notes that no other grounds of rejection were set forth in the Office Action with regard to the pending claims. Accordingly, the Applicant submits that the subject application is now in condition for allowance with pending claims 364-404 and 406-425.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the subject application is now in condition for allowance with pending claims 364-404 and 406-425.

Reconsideration of the subject application is respectfully requested. Timely action towards a Notice of Allowability is hereby solicited. The Examiner is encouraged to contact the undersigned by telephone to resolve any outstanding matters concerning the subject application.

Respectfully submitted,

By: 

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